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Paper No.

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**APR 19 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
German Trabada, Russell Durgin and	:	
Robert Sakal	:	
Application No. 10/753,848	:	DECISION ACCORDING STATUS
Filed: January 8, 2004	:	UNDER 37 C.F.R. § 1.47(a)
Title: ENDOLUMINAL ACCESS DEVICES	:	
AND RELATED METHODS OF USE	:	
Attorney Docket No. 10121/01301	:	
	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)," filed February 8, 2005.

The petition is **GRANTED**.

The above-identified application was filed on January 8, 2004, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," mailed April 21, 2004, applicants filed the initial petition under § 1.47(a).

By decision mailed December 30, 2004, the petition was dismissed for failure to provide adequate proof of the refusal of inventor Trabada to join in the application. The showing of refusal was not supported with a showing that there had been a bona fide attempt to present all of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

On renewed petition, petitioner established that the entire application package, including specification, claims and drawings, was presented to non-signing inventor Trabada and he subsequently refused to sign. Petitioner has now met all requirements for a grantable petition under § 1.47(a).

The petition and declaration filed November 26, 2004 have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded to Technology Center 3731 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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MR. GERMAN TRABADA  
16892 S.W. 1<sup>st</sup> STREET  
PEMBROKE PINES, FL 33027-1093

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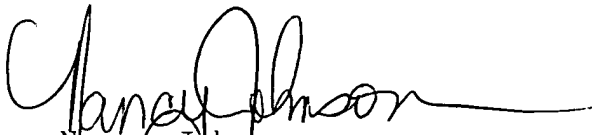
Dear Mr. Trabada:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (703) 308-9726 or  
1-800-972-6382 (outside the Washington D.C. area).



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

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